

Serial No. 10/681,696
67067-002REMARKS

The Applicant would like to thank the Examiner for the detailed remarks. Claim 1 has been amended, claims 27-34 and 39 were previously withdrawn, and claims 1, 3-5, 8, 9, 19-26, and 35-38 stand rejected.

The Examiner rejected claims 1, 3-5, 8, 9, and 19-26 under 35 U.S.C. §102(b) as being anticipated by *Higham, et al.* Applicant recognizes that the examiner is under no obligation to enter the amendments to claim 1, however, Applicant believes that the amendment further clarifies the operation of Applicant's materials storage chest without necessitating further searching by the Examiner. Amended claim 1 recites that the temporary storage portion "receives said desired quantity of construction articles from the lockable storage chest." In *Higham, et al.*, the pharmaceutical articles are stored in and remain in the receptacles (124, 216) until removed by a user and are not dispensed from a lockable storage chest to a temporary storage portion as recited in claim 1. Accordingly, claim 1 and its dependent claims are properly allowable.

Additionally, the examiner argues that *Higham, et al.* discloses all of the features of claim 1, including doors (110 or 220). Respectfully, the item labeled 110 is a drawer and the item labeled 220 is a button. While it is well settled that the terms in a claim are to be given the broadest reasonable interpretation, the interpretation must be consistent with the specification, with the claim language being read in light of the specification as it would be interpreted by one of ordinary skill in the art. Thus, it is improper for the Examiner to interpret the items 110 and 220 as doors when *Higham, et al.* specifically discloses that the reference 110 is a drawer and the reference 220 is a button. For this additional reason, the reference fails to disclose all of the features of claim 1 and should be withdrawn.

Additionally, the reference fails to disclose a door that selectively dispenses a desired quantity of articles as recited in claim 1. In *Higham, et al.*, there is a cover (134) that is lockable and unlockable to provide access to the receptacle (124). Thus, the cover (134) does not physically or actively dispense the articles, as recited in the claim. The cover (134)

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merely opens to provide access to the receptacle (124). The Examiner even recognized this fact on page 5 in the rejection of claim 38 by referring to a “top accessing door.” See also *Higham, et al.* col. 20; lines 4-5 and 27-29. Accordingly, *Higham, et al.* cannot anticipate claim 1, and the rejection should be withdrawn.

Regarding claim 8, the Examiner argues that the chest of *Higham, et al.* is water-resistant. Respectfully, the reference does not disclose that the chest is water-resistant. Furthermore, since the chest of *Higham, et al.* is a pharmaceutical chest for indoor use, there is no need for it to be water-resistant, whereas Applicant’s material storage chest is usable outdoors at construction sites and requires protection from weather elements. For this additional reason, claim 8 is properly allowable.

Regarding claim 4, the Examiner provides no basis for rejecting this claim. Claim 4 recites that the numerical value of claim 3 is “limited to a pre-determined quantity.” This feature is neither disclosed nor suggested by the cited reference. Accordingly, claim 4 is properly allowable.

The Examiner rejected claims 35-38 under 35 U.S.C. §103(a) as being unpatentable over *Higham, et al.* Regarding claim 35, the Examiner admits that *Higham, et al.* is silent as to the specifics of an employee identification being an employee number. However, the Examiner argues that employee identification means that it is commonly well known in the art and that providing employee identification numbers to *Higham, et al.* identification information would have been obvious. Respectfully, the Applicant disagrees. For one thing, just because something is well known in the art does not mean that it is obvious to use it in combination with the cited reference. Indeed, the rejection even fails to state any motivation why one would provide *Higham, et al.* with employee identification numbers. Furthermore, although employee identification numbers may be well known for some things, the Applicant challenges the commonality of using employee identification numbers for dispensing secured articles. Thus, the Applicant respectfully requests that the Examiner provide evidence that

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employee identification numbers are well known within the art of dispensing secured articles, or withdraw the rejection. Accordingly, claim 35 is properly allowable.

Regarding claim 38, the Examiner argues that the second side comprises the actuating door to dispense the desired quantity of articles. As explained above, *Higham, et al.* does not disclose a door that actively dispenses any quantity of articles. Indeed, the chest of *Higham, et al.* merely provides access to a quantity of articles and it is up to the user to select how many articles to take once access is provided. Accordingly, claim 38 is properly allowable.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully Submitted,

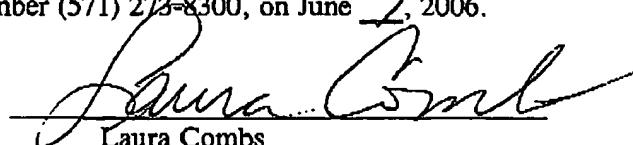
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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on June 7, 2006.


Laura Combs